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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,024	10/16/2003	G. Jack Lipovski	0254-0003.03	9132

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EXAMINER

TRAN, CONGVAN

ART UNIT

PAPER NUMBER

2688

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,024	Applicant(s) LIPOVSKI, G. JACK	
	Examiner CongVan Tran	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) 78-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 and 83-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office is in response to communication filed on Sept. 28, 2005.
2. Claims 78-82 have been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-5, 17-18, 20-21, 32-33, 35-36, 42-44, 46-47, 52-56, 58-59, 61-62, and 64-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Ariga (6,625,455).

Regarding claims 1, 54, Ariga discloses a portable telephone and communication control method for portable telephone set in restricted zone, comprising: a transmitter for generating a control signal at an entrance to the restricted-communication area, said transmitter having a broadcast area not being coextensive with the restricted-communication area (see abstract, fig.1A, elements 100, 105, 106 and its description); the cellular telephone including a subsystem for transmitting a cellular telephone audio signal on a radio-frequency carrier (see fig.1B, elements 101, 102 and its description); a receiver subsystem within the cellular phone responsive to said control signal, for generating a restricted-communication signal upon receipt of said control signal and for

a predetermined time thereafter area (see abstract, fig.1A, elements 101, 106, fig.2, elements 202 and its description); and a transmitter-inhibited subsystem responsive to said restricted-communication signal that inhibits said radio-frequency carrier transmission within the restricted-communication area (see abstract, fig.1A, elements 101, 107, fig.2, elements 202 and its description).

Regarding claims 2, 4-5, 18, 20-21, 33, 35-36, 43-44, 46-47, 52-53, 55-56, 58-59, 61-62, 64-65, Ariga further discloses wherein said control signal is ultrasonic, infrared or radio frequency signal (see col.6, lines 12-18).

Regarding claims 17, Ariga discloses a portable telephone and communication control method for portable telephone set in restricted zone, comprising: a receiver subsystem within the cellular phone responsive to said control signal, for generating a restricted-communications signal upon receipt of said control signal, and for a predetermined time thereafter (see abstract, fig.2, element 202 and its description); and a transmitter-inhibit system responsive to said restricted-communication signal that inhibits said radio-frequency carrier transmission within the restricted-communication area (see abstract, figs.1A-B, element 107 or 110, fig.2, element 202 and its description).

Regarding claims 32, 42, Ariga discloses a portable telephone and communication control method for portable telephone set in restricted zone, comprising the steps of: generating a control signal at an entrance to said restricted-communication area said control signal not being coextensive with said restricted-communication area, and said control signal being different from the electromagnetic signal conveying said

cellular telephone audio signal (see abstract, figs.1A-B, elements 106 or 109, fig.2, element 202 and its description); generating a restricted-communication signal within the cellular phone upon receipt of said control signal, and for a predetermined time thereafter (see abstract, fig.2, element 202 and its description); and applying the restricted-communication signal to the radio frequency transmitter to inhibit its emission within the restricted-communication zone (see abstract, figs.1A-B, elements 105, fig.2, element 202 and its description).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6-16, 19, 22-31, 34, 37-41, 45, 48-51, 57, 60, 63, 66-68, 70-77, and 83-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ariga (6,625,455).

Regarding claims 6, 11, 22, 27, 37, 48, 60, 66-69, 71-74, 77, 83-85, 88-89, Ariga discloses a portable telephone and communication control method for portable telephone set in restricted zone, comprising: a first transmitter for generating a first control signal at an entrance to a restricted-communication area, said first transmitter having a broadcast area not being coextensive with the restricted-communication area, and said control signal being different from the electromagnetic signal conveying said cellular telephone audio signal (see abstract, fig.1A, elements 100, 105, 106 and its

description); the cellular phone including a subsystem for transmitting a cellular telephone audio signal on a radio-frequency carrier (see abstract, fig.2, element 201 and its description); a receiver subsystem within the cellular phone responsive to said control signals, for generating a restricted-communication signal upon receipt of said first control signal until receipt of said second control signal (see abstract, fig.2, element 202 and its description); and a transmitter-inhibit subsystem, responsive to said restricted-communication signal, that can inhibit said radio-frequency carrier transmission within the restricted-communication zone (see abstract, fig.1A, elements 100, 101, 105, 107 and its description), except for a second transmitter for generating a second control signal at an exit from a restricted-communication area. However, since Ariga discloses a first transmitter for generating a first control signal at an entrance. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify or adding a second transmitter for generating a second control signal at an exit from a restricted-communication area in order to provide the use of control signal.

Regarding claims 7, 9-10, 12, 13, 15-16, 23, 25-26, 28, 30-31, 38, 40-41, 49-50, 52-53, 55-56, 58-59, 61-62, 64-65, 69, 75, 86, 90, Ariga further discloses wherein said control signal is ultrasonic, infrared or radio frequency signal (see col.6, lines 12-18).

Regarding claims 3, 8, 14, 19, 24, 29, 34, 39, 45, 51, 57, 63, 70, 76, 87, 91, the Examiner takes Official notice that the feature cellular telephone includes a microphone responsive to the voice of the user is notoriously well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'CongVan Tran', with a long horizontal line extending to the right.

CongVan Tran
Primary Examiner
Art Unit 2688

Dec. 08, 2005.